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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,169	06/16/2000	Steven A Sunshine	18564-003610US	2166

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EXAMINER

TSAL, CAROL S W

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/596,169

Applicant(s)

SUNSHINE ET AL.

Examiner

Carol S Tsai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8, 10, 11, and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,387,329 to Lewis et al.

With respect to claims 1, 7, 8, 10, 11, 19, and 24, Lewis et al. disclose a distributed sensing system in a networked environment for identifying, the system comprising: a first sensor array connected to the network comprising sensors capable of producing a first response in the

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presence of a chemical stimulus (see col. 2, lines 29-54; col. 4, lines 55-63; and col. 28, lines 3-13); a second sensor array connected to the network comprising sensors capable of producing a second response in the presence of a physical stimulus (see col. 25, line 48 to col. 26, line 23 and col. 28, lines 3-13); a computer connected to the network (see col. 28, lines 3-13); a computer readable algorithm for execution by the computer for identifying the analyte, the computer readable algorithm comprising instructions for comparing the first response and the second response with a known response, and instructions for identifying an unknown analyte (see col. 23, lines 41-52; col. 27, line 6 to col. 28, line 13; and col. 31, line 49 to col. 32, line 23)

With respect to claims 23 and 25, Lewis et al. also disclose a distributed sensing system in a networked environment for identifying an analyte, the system comprising: a first sensor array connected to the network comprising sensors capable of producing a first response in the presence of a chemical stimulus in which the first sensor is connected with the network via a wireless connection (see col. 2, lines 29-54; col. 4, lines 55-63; and col. 28, lines 3-13); a second sensor array connected to the network comprising sensors capable of producing a second response in the presence of a physical stimulus (see col. 25, line 48 to col. 26, line 23 and col. 28, lines 3-13); a computer connected to the network (see col. 28, lines 3-13); a computer readable algorithm for execution by the computer for identifying the analyte, the computer readable algorithm comprising instructions for comparing the first response and the second response with a known response, and instructions for identifying the unknown analyte (see col. 23, lines 41-52; col. 27, line 6 to col. 28, line 13; and col. 31, line 49 to col. 32, line 23).

As to claims 2 and 20, Lewis~~et~~ al. also disclose algorithm selecting the most relevant sensor modality in the first and the second array to identify the analyte (see col. 9, lines 12-39; col. 24, lines 40-56; col. 26, lines 9-23; and col. 27, lines 6-23).

As to claims 3, 5, and 21, Lewis~~et~~ al. also disclose the sensor of the first array being a conducting/nonconducting regions sensor (see col. 2, lines 42-54 and col. 4, lines 55-63).

As to claims 4, 6, and 22, Lewis~~et~~ al. also disclose the sensor of the second sensor array being a thermal sensor (see col. 26, lines 9-23)

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,387,329 to Lewis~~et~~ al. in view of U. S. Patent No. 6,220,371 to Sharma et al.

As noted above, Lewis~~et~~ al. disclose the claimed invention, except for the wireless communication being implemented using radio wave technology.

Sharma et al. teach the wireless communication being implemented using radio wave technology (see col. 10, lines 34-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lewis~~et~~ al.'s system to include wireless communication being implemented using radio wave technology, as taught by Sharma et al., because with recently

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developed communication technologies and increasing communication needs, radio communication apparatuses have become popular in order that data can be analyzed by a central processing unit at a remote location.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-11 and 19-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

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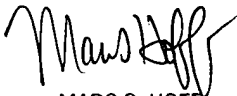
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Carol S. Tsai

05/05/03

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